

**IN THE HIGH COURT OF UTTARAKHAND AT
NAINIATL**

Writ Petition No. 5138(S/S) of 01
(Old no. 33649 of 1994)

Sri Khushal Singh S/o Sri Sunder Singh
Resident of village Kodi, Post- Pantwadi,
District Tehri Garhwal.

---Petitioner.

Vs.

Aaloo Evam Shak-Bhaji Vikas Adhikari,
Dehradun.

---Respondent.

Sri K.N. Joshi, learned counsel for the petitioner.
Sri Paresh Tripath, learned Brief Holder for the respondent.

Hon'ble M.M. Ghildiyal, J.

Heard Sri K.N. Joshi, learned counsel for the petitioner
and Sri Paresh Tripathi, learned Brief Holder for State of
Uttarakhand- respondent.

By means of this writ petition, the petitioner has prayed
for the following reliefs:-

- a. To issue a writ, order or direction in the nature of certiorari quashing the order dated 19th September 1994 terminating the services of the petitioner with effect from 30th September 1994 (annexure '7'),
- b. To issue a writ, order or direction in the nature of mandamus directing the respondent to pay the salary of the petitioner-past, present and future,
- c. To issue any other and further writ, order or direction which this Hon'ble court may deem fit and proper in the circumstances of the case,
- d. To award the costs of the petition to the petitioner.

By the impugned order dated 19th September 1994, the petitioner was asked by the respondent to submit a certificate of Other Backward Class (O.B.C.) by 15th August 1994 failing which he will be terminated from service w.e.f. 30th September 1994.

The petitioner has submitted that he was given appointment with the respondent's Department on the post of 'Mali' against the vacancy, which was reserved for O.B.C. class category. The said appointment was provided to him on his contention that he belongs to O.B.C. category. On the contrary the respondent in his counter affidavit has submitted that an enquiry was conducted about the genuineness of the certificate issued to the petitioner, in which it was found that the certificate, which was issued to the petitioner showing him belong to O.B.C. category, was obtained by the petitioner fraudulently and, in fact, the petitioner does not belong to O.B.C. category. Thus the services of the petitioner were terminated by the respondents w.e.f. 30.09.1994.

Counsel for the petitioner has submitted that the petitioner has already produced certificate of O.B.C. before the respondents on 23rd April 2004. From perusal of the application, which was moved before the respondent on 23rd April 2004, it is not clear, that the certificate submitted by the petitioner was of which year and whether the certificate was the same, which was earlier issued to the petitioner while he was inducted in service or it was any other certificate issued by any other Competent Authority? In case, the petitioner belongs to an O.B.C. category, he may obtain requisite certificate from the Competent Authority and may make representation before the Appropriate Authority, for redressal of his grievances. I do not

find any ground otherwise also in the writ petition on merits.
The petition lacks merit and is liable to be quashed.

With these observations, the writ petition is dismissed. No
order as to costs.

(M.M. Ghildiyal, J.)

August 13, 2007:

NCM: